

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Darren Starr, pro se,  
Plaintiff

v.

Case No. 05-cv-264-SM

Cpl. Denis Dube, and  
Lt. John Loven,  
Defendants

**NOTICE OF RULING**

Re: (Document No. 97) Plaintiff's Second Motion for  
Transcript at Government's Expense

Ruling: Denied in part and granted in part. Plaintiff has renewed his motion for a free transcript of his civil trial (See Order, April 17, 2008, document no. 94), and now seeks to demonstrate that his appeal is not frivolous and presents a substantial question. 28 U.S.C. Section 753(f). Plaintiff says he expects to raise the following issues on appeal: 1) Whether summary judgment was improperly granted with respect to Count I of the complaint; Whether he was improperly denied trial subpoenas; and Whether the jury instructions were erroneous, particularly with respect to causation. A transcript would not seem necessary with regard to the summary judgment or jury instruction issues. The summary judgment determination will be decided on the papers and the jury instructions are part of the record in written form (marked as an appellate exhibit). It is possible that a transcript of the motions hearing at which the requested subpoena was denied might prove helpful (although plaintiff's proffer in his motion at the time and in the current motion seems complete and adequate), therefore the court will approve plaintiff's motion to the extent he seeks a free transcript of the motions hearing on his request for subpoenas. Otherwise the motion is denied. So Ordered.

Entered by: Steven J. McAuliffe, Chief Judge

Dated: June 26, 2008

cc: Darren Starr, pro se, #16496  
Glenn A. Perlow, Esq.